

## **MATT SAVICH**

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February 28, 2023

Hon. Bernard A. Friedman  
US District Court – Eastern District  
ECF only

Re: *US v Michelle Johnson*  
Case no. 2:22-CR-20590

Dear Judge Friedman:

Ms. Johnson instructed me to file the attached motion before today's hearing.

Sincerely,  
  
MATT SAVICH

MS/ms  
Encl.  
C: AUSA Salzenstein  
Ms. Johnson

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA  
v  
MICHELE JOHNSON  
DEFENDANT

CASE No: 2:22-cr-20590

MOTION

(1) MICHELE JOHNSON, DEFENDANT MOVES THIS HONORABLE COURT FOR RELEASE FROM PRETRIAL DETENTION OR DENY THE GOVERNMENT'S 45 DAY MOTION TO ADJOURN AND DISMISS THE UNTIMELY INDICTMENT BASED ON SPEEDY TRIAL VIOLATIONS AND GRANT SUCH DISMISSAL WITH PREJUDICE.

(2) THE DEFENDANT STATES THAT HER RIGHT TO A SPEEDY TRIAL UNDER THE SIXTH AMENDMENT; 18 USC 3161 (b) AND 18 USC 3164 (b), HAS BEEN TWICE VIOLATED.

(3) 18 USC 3164 (c), REQUIRES THE ISSUANCE OF A BOND IF THE TRIAL OF A DETAINED PERSON DOES NOT COMMENCE WITHIN 90 DAYS OF THE CONTINUED DETENTION OF.....

(a) (1) "A DETAINED PERSON WHO IS BEING HELD IN DETENTION SOLELY BECAUSE HE IS AWAITING TRIAL...."

(b) "TRIAL SHALL COMMENCE NOT LATER THAN 90 days FOLLOWING THE PERIOD OF CONTINUED DETENTION"

(c) "No DETAINEE SHALL BE HELD IN CUSTODY AFTER THE EXPIRATION OF SUCH 90 days, PENDING TRIAL"...

(4) 18 USC 3161 (b), SETS TIME LIMITS FOR THE INDICTMENT OR INFORMATION TO BE FILED WITHIN 30 days FROM DATE OF ARREST OR SUMMONS.

(1)

(5) THE SPEEDY TRIAL CLOCK BEGAN ON SEPT 7, 2022, AND AS OF FEB 5, 2023 # 153 DAYS HAVE PASSED AND #45 DAYS ARE EXCLUDABLE IN THE COMPUTATION AS SPECIFIED IN 18 USC 3161 (h) AS FOLLOWS:

Days:	Date:	Reason:
1	Sept 7, 2022	Complaint Filed - DAY OF ARREST
1	Oct 27, 2022	FIRST APPEARANCE
1	Nov. 1, 2022	DETENTION HEARING
7	Nov. 3, 2022	MOTION FILED
10	THUR Nov. 9, 2022 PER 18.3161(h)(5)	INDICTMENT FILED - DAY #64
<u>#20</u>	<u>DAYS</u>	TRAVEL EXCLUDED
<u>1</u>	<u>NOV 10, 2022</u>	Court Date
<u>#21</u>	<u>DAYS</u>	
<u><math>\frac{64}{-20}</math></u>	<u>INDICTMENT FILED on Nov 9, 2022</u>	
<u><math>\frac{64}{-20}</math></u>	<u>DAY #64 LESS #20 EXCLUDABLE DAYS</u>	
<u>24</u>	<u>NOV. 28, 2022</u>	MOTION FILED
<u>24</u>	<u>THUR</u>	
<u><math>\frac{24}{+21}</math></u>	<u>DEC 21, 2022</u>	Court Date
<u><math>\frac{24}{+21}</math></u>	<u>24 + 21 = 45</u>	#108 NONEXCLUDABLE DAYS 153 - 45 = 108

(6) THE 18 USC 751 ESCAPE INDICTMENT WAS BUILT FROM THE END OF PRISON SENTENCE TRANSFER OF THE DEFENDANT TO A COMMUNITY CORRECTIONAL CENTER (CCC.) THAT FAILED THE HEALTH AND HABITABILITY TEST SET BY CONGRESS PER 18 USC 3621 (b). THESE NATIONWIDE COMMUNITY CORRECTIONAL CENTERS (ccc) ARE DESIGNED TO ASSIST WITH THE SUCCESSFUL FACILITATION OF REINTEGRATION BACK TO SOCIETY FOR COMPLETED PRISON SENTENCED DETAINERS, SO LONG AS THESE COMMUNITY CENTERS

MEET MINIMUM STANDARDS OF SAFETY AND CARE, BECAUSE THESE PRIVATELY OWNED (CCC'S) ARE OUTSIDE THE SPHERE OF DIRECT FEDERAL CONTROL. THE (CCC) THE DEFENDANT WAS ASSIGNED TO FOR 5MOS. WAS LOCATED DEEP IN A CRIMED DETROIT NEIGHBORHOOD WITH A VERIFIABLE DRUG HISTORY AND INVOLVED IN ILLEGAL ACTIVITES AND WAS SEVERELY UNINHABITABLE. THE DEFENDANT'S FEAR OF HER PERSONAL SAFETY FORCED HER TO REQUEST A RE-ASSIGNMENT, WHICH WAS UNSUCCESSFUL. THE GOVERNMENT MUST, AS WELL SHARE IN THE FAILURE OF THIS (CCC) ASSIGNMENT.

(7) THE DEFENDANT OPPOSES THE GOVERNMENT'S MOTION TO ADJOURN FOR 45 DAYS WHILE THE DEFENDANT IS STILL IN FULL CONFINEMENT. THE GOVERNMENT HAS HAD 1 1/2 YEARS TO PREPARE FOR TRIAL. THE GOVERNMENT WAS ADEQUATELY NOTIFIED, IN EARLY SEPTEMBER OF 2022, THAT THE DEFENDANT WAS IN CUSTODY AND READY TO RESOLVE THIS 14 YEAR OLD 2 INDICTMENT, 1 LITIGANT CASE. DEFENDANT WAS NOTIFIED THAT THERE WAS A WARRANT FOR HER ARREST IN SEPTEMBER OF 2022 FROM THE 2009 14 YEAR OLD CASE THAT A 2012 WARRANT EXISTED. THE 2022 INDICTMENT WAS FILED LATE. THIS CASE IS NOT A MULTI-DEFENDANT UNUSUAL COMPLEX CASE TO JUSTIFY A ENDS OF JUSTICE ADJOURNMENT OUTWEIGHING THE BEST INTEREST OF.... THE GOV'S MOTION TO ADJOURN WAS FILED AFTER THE SPEEDY TRIAL VIOLATION OF 90 days HAD EXPIRED PER 18 USC 3164 (a), (b), (c). DEFENDANT'S INDICTMENT WAS FILED 164 DAYS AFTER ARREST AND SERVED WITH THE SUMMONS. CONGRESS DISCOURAGES LENGTHY DETAINMENTS AND PROMOTES THE COURTS TO BE SOCIETIES SANCTUARY AND NOT THE SWORD.

(3)

(8) A INDICTMENT DISMISSAL IS NOT THE ONLY WAY A COURT CAN SHOW THAT THE SPEEDY TRIAL ACT MUST BE FOLLOWED; PRE-TRIAL RELEASE CAN ALSO BE USED AS AN ALTERNATIVE REMEDY.

(9) THE ALLEGED 18 USC 951 STATUTE INFRACTION IS NOT SERIOUS ENOUGH TO TAKE PRECEDENCE OVER THE IRREVERSIBLE DETERIORATING HEALTH OF THE DETAINED DEFENDANT; CONSTANTLY BEING AGGRAVATED BY THIS GLOBAL COVID-19 VIRUS. IT'S NOT RECOMMENDED TO ENDURE MORE DELAY IN THE COVID-19 AWARE SOCIETY, WHICH WOULD PREJUDICE THE DEFENDANT'S ABILITY TO DEFEND THIS CASE. THE DEFENDANT IS AT THE ADVANCE AGE MORE SUSCEPTIBLE TO CONTRACTING THE COVID-19 VIRUS AND AT A HIGHER RISK OF RECOVERY FAILURE. IN SEPT. 2022 BLACK SPOTS WERE FOUND ON THE DEFENDANT'S LUNGS BY A BODY SCANNER. THE COUNTY JAIL HOUSING THE DEFENDANT IS DELINQUENT IN THEIR MEDICAL CARE AND HAS NOT YET PROVIDED A CT-SCAN OF THE DEFENDANT'S LUNGS. THIS COUNTY JAILS STATE OF MICH MANDATORY DETAINEE OUTSIDE FRESH AIR REQUIREMENTS ARE NEVER FOLLOWED. AS A RESULT, DETAINES ARE BREATHING UNHEALTHY FULL-TIME RECYCLED BUILDING AIR.

(10) THE DEFENDANT HAS NEVER BEEN INVOLVED IN A VIOLENT CRIME, AND IS NOT ELIGIBLE FOR A DEATH OR LIFE SENTENCE. THE DEFENDANT HAS NEVER BEEN ON BOND AND HAS BEEN IN CONTINUOUS FULL DETENTION FOR #6 MOS AND DEFENDANT HAS NEVER

BEEN INVOLVED WITH ANY DRUG OR ALCOHOL USAGE. THE DEFENDANT HAS HAD #10 SUCCESSFUL YEARS REINTEGRATING BACK TO SOCIETY AND THE COMMUNITY WITH NO CRIMES AND NO ARREST. THE DEFENDANT SUCCESSFULLY COMPLETED A 36 MONTH FULL CONFINEMENT SENTENCE FROM 2009 TO 2012 AT LOW-SECURITY OPEN DOOR, EASY TO WALK-AWAY ALDERSON W:VIRGINIA PRISON CAMP AND HAS NEVER BEEN ACCUSED OF OR ATTEMPTED ANY ESCAPE. THE DEFENDANT CAN BE TRUSTED.

WHEREFORE: THE DEFENDANT REQUESTS THIS HONORABLE COURT TO RELEASE HER ON HER OWN RECOGNIGANCE PENDING TRIAL PURSUANT TO 18 USC 3164 (a), (b) AND (c), BECAUSE SHE HAS BEEN HELD IN FULL CUSTODY FOR MORE THAN 90 NONEXCLUDABLE DAYS "OR" DENY THE GOVERNMENT'S ADJOURNMENT MOTION "AND" DISMISS THE UNTIMELY INDICTMENT PURSUANT TO 18 USC 3161 (b) AND GRANT SUCH DISMISSAL WITH PREJUDICE.

RESPECTFULLY SUBMITTED

Michele Johnson  
MICHELE JOHNSON

2-16-23  
DATE